

9343 East 95th Court
Tulsa, Oklahoma 74133
P: 918-382-9200 • F: 918-382-9282
ok-counsel.com

McDANIEL ACORD
ATTORNEYS & COUNSELORS, PLLC

1725 Signal Ridge Drive, Ste 140*
Edmond, Oklahoma 73013
P: 918-382-9200 • F: 918-382-9282
*Direct all correspondence to Tulsa address.

September 8, 2021

Via U.S. mail and e-mail

Kelly M. Baker, MPH
State Registrar
Oklahoma State Department of Health
1000 NE Tenth Street, Room 114
Oklahoma City, OK 73117
kellyb@health.ok.gov

Re: *Kit Vivien Lorelied*, Amended Birth Certificate change order

To Kelly Baker and/or any other interested party(ies);

As you may be aware, I represent Kit Vivien Lorelied (“Lorelied”) and this letter serves in furtherance of the parties’ “Settlement and Release Agreement,” which resolves the pending federal matter *Lorelied v. Frye, et. al.*, Case No. 20-CV-819-F, which remains pending in the United States District Court for the Western District of Oklahoma. Enclosed, please find the following:

- Settlement and Release Agreement, signed and executed by both Lorelied and the Oklahoma State Department of Health (“Department”);
- Oklahoma Birth Certificate Request Form, signed by Lorelied;
- Copies of photo IDs for both Lorelied and myself, Christopher Uric Brecht;
- Certified copy of Unopposed Order Registering Foreign Judgment, *Lorelied v. Oklahoma State Department of Health*, CV-2021-1306, Oklahoma County, Oklahoma;
- Certified copy of General Judgement for Change of Sex, *In the Matter of: Kit Vivien Lorelied*, 18CV47147, Clackamas County, Oregon;
- Certified copy of General Judgment of Name Change of an Adult, *In the Matter of the Name Change of: Vivien Kitsune Lorelied to Kit Vivien Lorelied*, 17CV50666, Clackamas County, Oregon; and.

- Certified copy of General Judgment of Name Change, *In the Matter of the Name Change of: Marti Kay Fowler to Vivien Kitsune Lorelied*, Case No. C07-0232NL, Washington County, Oregon.

Following the amendment procedure outlined on the Department's website, Lorelied needs to amend both the "Name" and "Sex" on their birth certificate. Relative to their name, please amend "Marti Kay Fowler" to "Kit Vivien Lorelied." In regards to their sex, please amend the "female" designation to reflect a "nonbinary" designation.

I have also included a check for eighty-five dollars (\$85.00), which includes the forty dollars (\$40.00) required for the "Legal Change of Information" process outlined on the Department's website, as well as the forty-five dollars (\$45.00) enclosed as part of Lorelied's request for three (3) certified copies of their amended birth certificate.

Please prepare the amended birth certificate with the Lorelied's name and sex as designated above and forward it to the undersigned counsel for the adoptive parents in the enclosed self-addressed, stamped envelope.

Thank you for your assistance. Please do not hesitate to contact the undersigned with any questions or concerns.

Best regards,

MCDANIEL ACORD, PLLC



Christopher U. Brecht

CUB:jlw

cc: Kit Vivien Lorelied
Bryan Cleveland, Office of the Attorney General

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement is entered into this 14th day of May, 2021, by and between Kit Lorelied ("Plaintiff"), residing at 9442 SW Nez Perce Court, Tualatin, OR 97062, and the Oklahoma State Department of Health ("OSDH"), having a principal place of business at 123 Robert S. Kerr, Oklahoma City, OK 73102.

WHEREAS, there is a pending action in the United States District Court for the Western District of Oklahoma, *Lorelied v. Frye, et al.*, No. 20-CV-819-F, that relates to claims made by Plaintiff against certain OSDH officers and employees in their official capacity,

WHEREAS, OSDH's officers and employees deny the allegations of Plaintiff's complaint and specifically deny that there is any relief due to Plaintiff and further maintain that there are valid affirmative defenses to Plaintiff's action, and

WHEREAS, the Parties desire to fully and finally resolve all claims and disputes to avoid the expense and burden of further litigation;

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows.

Definitions

The term "Agreement" means this Settlement and Release Agreement.

The term "Litigation" means the pending action in the United States District Court for the Western District of Oklahoma, *Lorelied v. Frye, et al.*, No. 20-CV-819-F.

The term "OSDH" means Oklahoma State Department of Health.

The term "out-of-state order" means the order from "In the Matter of Kit Vivien Lorelied," No. 18CV47148, in Clackamas County, State of Oregon, filed as Doc. 1-2 in the Litigation.

The term "Plaintiff" means Kit Lorelied.

The term "Party" means either OSDH or Plaintiff.

Settlement Agreement (May 14, 2021) 2

The term "Parties" means both OSDH and Plaintiff.

Article I: Settlement Terms

1-1. Plaintiff will seek to domesticate the "out-of-state order" into an Oklahoma state court order directed to OSDH, or otherwise obtain a similar order from an Oklahoma state court directed at the OSDH to alter Plaintiff's birth certificate to designate "X" as the sex.

1-2. The Parties will jointly stay the Litigation pending full and final adjudication of the filing mentioned in Paragraph 1-1. A copy of the approved Joint Motion to Stay is attached as Exhibit A. Plaintiff will file the motion within seven days of the Parties executing the Agreement.

1-3. OSDH will not oppose the request specified in Paragraph 1-1 to domesticate the order.

1-4. If an Oklahoma court issues an order consistent with Paragraph 1-1, OSDH will comply with the court order by amending sex on Plaintiff's birth certificate to the designation "X" in lieu of the current designation. OSDH will mail a copy of the amended certificate to Plaintiff within thirty days of receiving both an order consistent with Paragraph 1-1 and a complete application.

1-5. Within thirty days of issuing an amended birth certificate, as specified in Paragraph 1-4, OSDH will update its website and standard correspondence to inquiring parties to indicate that it will issue a birth certificate with "X" upon receipt of an Oklahoma trial court order.

1-6. Upon Plaintiff's receipt of the birth certificate, as described in Paragraph 1-4, and acknowledgement of OSDH's website updates, as described in Paragraph 1-5, the Parties will voluntarily dismiss the Litigation without court order under FED. R. CIV. P. 41(a)(1)(A)(ii).

1-7. After the filing of the dismissal specified in Paragraph 1-5, OSDH will pay Plaintiff \$7,000.00 in consideration for the release in Paragraph 2-1.

Settlement Agreement (May 14, 2021) 3

Article II: Release

2-1. For and in consideration of the promises and covenants contained in the Agreement, Plaintiff hereby releases and forever discharges the OSDH and its employees, directors, officers, subsidiaries, successors and assigns from any and all demands, obligations, actions, causes of action, debts, liabilities, rights, contracts, damages, costs, attorneys fees, expenses, losses or claims of any kind whatsoever, whether liquidated or unliquidated, whether known or unknown, suspected or unsuspected, anticipated or unanticipated, matured or unmatured, in law or equity, against the OSDH and its employees, directors, officers, subsidiaries, successors and assign it ever had and, now has or may have on or at any time prior to the date of this Agreement, including, but without limitation, any and all claims which relate to or which have been or could have been asserted in the Litigation.

Article III: Representations and Warranties

3-1. Plaintiff warrants and represents that Plaintiff is the sole holder of and has not assigned, transferred, pledged or otherwise conveyed or encumbered any of the claims released and discharged by this Agreement.

3-2. OSDH warrants and represents that its Chief Operating Officer has the power and authority to execute, deliver and perform this Agreement on behalf of its officers and employees named in the Litigation.

Article IV: Miscellaneous

4-1. This Agreement, together with any exhibits, constitutes the entire agreement and understanding between the Parties with respect to the matters contained herein and supersedes all other agreements between and representations by the Parties with respect to such matters.

4-2. This Agreement may not be modified or changed except by in writing executed by both Parties.

Settlement Agreement (May 14, 2021) 4

4-3. This Agreement and any performance hereunder shall be construed and enforced in accordance with and governed by the law of the State of Oklahoma, without regard to the State of Oklahoma's principles of conflicts of law.

4-4. Any dispute over any matter relating to or arising out of this Agreement shall be filed and conducted in the district court for Oklahoma County, State of Oklahoma. For purposes of such disputes, the Parties submit to the personal jurisdiction and venue of the district court for Oklahoma County, State of Oklahoma.

4-5. Any notice hereunder to be given by either Party to the other shall be in writing and shall be effective when received.

Notice to the Plaintiff shall be delivered to:

Kit Lorelied
9442 SW Nez Perce Court
Tualatin, OR 97062
ustKit42@gmail.com

Notice to OSDH shall be delivered to:

Nicole Nash, or her successor
General Counsel
123 Robert S. Kerr
Oklahoma City, OK 73102
NicoleN@health.ok.gov

4-6. Waiver by either Party of any breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach.

4-7. This Agreement may be executed in one or more counterparts, each of which shall for all purposes of this agreement be deemed an original, but all of which shall constitute one and the same agreement.

4-8. The terms and covenants contained herein are severable, and in the event any of them shall be held to be invalid by a court of competent jurisdiction, this Agreement shall be interpreted as if such invalid terms or covenants were not contained herein.

Settlement Agreement (May 14, 2021) 5

4-9. Nothing in this Agreement shall be construed to place any limitations on non-parties, including, but not limited to, the authority of the Oklahoma Legislature to revise or revoke OSDH's ability to comply with the terms of this Agreement. Any action of OSDH required by a subsequent change of the law shall not constitute a breach of the Agreement.

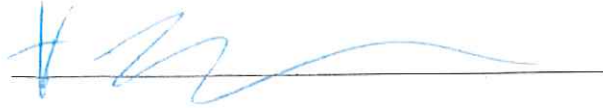
4-10. This Agreement shall be binding upon and shall inure to the benefit of the respective Parties hereto, their successors, legal representatives and, to the extent herein permitted, assigns.

IN WITNESS WHEREOF, Plaintiff and OSDH have caused this Agreement to be executed by their authorized signatures below as of the date first above written.

Settlement Agreement (May 14, 2021) 6

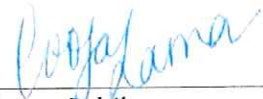
Kit Lorelied

By:



STATE OF OREGON)
) SS.
COUNTY OF WASHINGTON____)

This instrument was acknowledged before me on May 14th, 2021, by Kit Lorelied.



Notary Public

My commission expires: July 09, 2024

My Commission number: 1001715



[Remainder of this page intentionally left blank]

Settlement Agreement (May 14, 2021) 7

Oklahoma State Department of Health

By: Jennifer Lepard
Name: Jennifer Lepard, PhD
Title: Chief Operating Officer

STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

This instrument was acknowledged before me on May 17, 2021, by Jennifer Lepard, PhD, as Chief Operating Officer of the Oklahoma State Department of Health.

Kelly Hartwig
Notary Public

My commission expires: 8/1/22

My Commission number: 06007471



[Remainder of this page intentionally left blank]

OKLAHOMA BIRTH CERTIFICATE REQUEST FORM



STEP 1 - In order to accept this form, please read the following requirements:

- This request must be completed in full (request will not be processed without the signature and photocopy of a legal photo I.D. of the applicant, full fees, and established eligibility of the applicant)
- Enclose a copy of a current legal photo I.D. of the applicant (see back for a list of acceptable I.D.s)
- If mailing, enclose all the appropriate fees and include a self-addressed stamped envelope (see back for mailing address)

Complete the fields below starting with the FULL NAME AT BIRTH: (If the birth name was legally changed, please see instructions on back)

Marti First **Kay** Middle **Fowler** Last ☐ Male ☒ Female
11/21/74 Date of Birth (mm/dd/yy) **Stillwater** OKLAHOMA Birth City and/or County If child is less than age 2, List the name of Hospital or Midwife
James Father's First Name **Henry** Father's Middle Name **Fowler II** Father's Last Name
Zora Mother's First Name **Viola** Mother's Middle Name **Thorn** Mother's Maiden Last Name (prior to first marriage)

This request is being made by:
(see eligibility instructions on back)

☒ Subject of the record
 ☐ Parent
 ☐ Legal Guardian or Custodian
 ☐ Authorized Agent, specify: _____

Kit Lorelied Your Name **(503) 929 - 2100** Daytime Telephone Number
9442 SW Nez Perce Ct. Tualatin, OR 97062
 Current Mailing Address (Required) APT# City / State / Zip
justkit42@gmail.com E-mail Address ☐ No Email

Purpose for which the birth certificate is needed:

☐ Drivers License
 ☐ Social Security
 ☐ Passport
 ☐ School
 ☐ State Assistance Pgm
 ☒ Other: Name/Gender Change

STEP 2 - Complete the Order Information below:

A NON-REFUNDABLE /

NON-TRANSFERABLE record search fee of \$15 includes the issuance of one certified copy if the record is found; additional copies are \$15 each.

If no record is found, the fee will not be refunded. Should you receive a request for more information, please respond promptly as all fees will expire one year after the date paid.

QTY	PRICE	SUB-TOTAL	ITEM DESCRIPTION
3	\$15	\$ 45	Number of certified copies requested (\$15 each and includes search fee)
	\$40		Delayed registration, amendment, paternity, adoption, or legitimation fee (includes one certified copy)
	\$35		Special Commemorative Heirloom Birth Certificate

\$ 45.00

TOTAL AMOUNT ENCLOSED

DO NOT SEND CASH BY MAIL - Make checks payable to OSDH

STEP 3 - Final Check & Sign

- Check to see if you have filled out all of the information fields and you have followed all instructions in Step 1.
- By signing below, you declare that all information provided on this request is true and correct:



Signature

Date Signed

9/2/21

Mail

OFFICE USE ONLY

Front desk

Reviewed By: _____ Date: ____/____/____

Clerk: _____ Date: ____/____/____

Fees Enclosed: \$ _____ Fees Due: \$ _____

Fees Paid: \$ _____ Check Cash MO CC

ID Enclosed: _____

OREGON CLASS
C
DRIVER LICENSE

1742062 Expires **11-21-2023**
LORELIED, KIT VIVIEN

DOB **11-21-1974** Issue Date **01-04-2018**

Endorsements	Sex	First Licensed
	X	09-28-2007
Restrictions	Height	Weight
BD	5'08"	250

LORELIED, KIT VIVIEN
29700 SW COURTSIDE DR APT 43
WILSONVILLE, OR 97070

CLASS: C - Any single vehicle with a GVWR of not more than 26,000 pounds with the proper endorsements. Any emergency vehicle operated by a firefighter.

RESTRICTIONS
B - corrective lenses
D - anatomical donor

9442 SW NEZ PERCE CT
TUALATIN OR 97062 1742062 **Oregon**





Class: D-All vehicles or combination of vehicles except A, B and C.
 Restr: NONE

Endors: NONE

Notify in writing, Driver License Services, P.O.
 Box 11415, Oklahoma City, OK 73168-0415
 within 10 days of any name or address change.

www.ok.gov/dps

COUNTY: 72 \$38.50

Organ/Tissue Donor



Oklahoma
 Driver License

Class: D
 Exp: 08/27/2019
 Restr: NONE
 BRECHT-SMITH, CHRISTOPHER URIC
 1148 S OWASSO AVE
 TULSA, OK 74120-0000

DOB: 08/11/1984
 Sex: M Height: 6'-02" Weight: 205 lb Eyes: HAZ

DL

The person named hereon is enrolled as an attorney by the Oklahoma Supreme Court.

Any suspension, disbarment or resignation automatically revokes this card, whereupon it must be immediately surrendered to the Office of the General Counsel of the Oklahoma Bar Association.

Inquiry as to the status of the person named hereon may be made to the Membership Department, Oklahoma Bar Association, 800-522-8065.



Oklahoma Bar Association

Christopher Uric Brecht

OBA# 22500

Admission 10/22/2020



* 1050422734 *

FILED IN DISTRICT COURT
OKLAHOMA COUNTYIN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

AUG 25 2021

KIT VIVIEN LORELIED,
Petitioner,RICK WARREN
COURT CLERK

127

v.

Case No. CV-2021-1306

OKLAHOMA STATE DEPARTMENT OF
HEALTH,
Respondent.

The Honorable Aletia Timmons

UNOPPOSED ORDER REGISTERING FOREIGN JUDGMENT

Having reviewed the Notice of Filing Foreign Judgment by Petitioner Kit Vivien Lorelied ("Petitioner"), noting no objection by the Oklahoma State Department of Health ("Department"), Vital Records Division (the "Division") and giving full faith and credit to the records and judicial proceedings of the State of Oregon, this Court finds that for good cause shown, the Department is hereby ordered to amend the sex of the Petitioner to a nonbinary designation on Petitioner's birth certificate.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED, that the Oklahoma State Department of Health, Vital Records Division shall amend the sex on Kit Vivien Lorelied's birth certificate to a nonbinary designation,

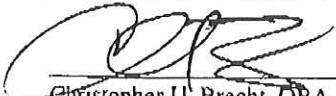
Aletia Haynes Timmons
JUDGE OF THE DISTRICT COURT


CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

AUG 31 2021

RICK WARREN COURT CLERK
Oklahoma County*Rick Warren*

Agreed as to form and content:


Christopher U. Brecht, OBA No. 22500
Stacy L. Acord, OBA No. 18633
Benjamin S. Saunier, OBA No. 30711
MCDANIEL ACORD, PLLC
9343 E. 95th Ct.
Tulsa, OK 74133
(918) 382-9200
cbrecht@ok-counse.com
Attorneys for Petitioner


Bryan Cleveland, OBA No. 33680
Zach West, OBA No. 30768
OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 521-3921
Bryan.Cleveland@oag.ok.gov
Zach.West@oag.ok.gov
Counsel for Department

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Clackamas

In the Matter of:

Case No: _____

Kit Vivien Lorelied
Petitioner (current name)

**GENERAL JUDGMENT
FOR CHANGE OF**
☐ NAME ☒ SEX
Adult

For court use only:

☐ This record is ordered SEALED at Petitioner's request because:
☐ Petitioner is a participant in the ORS 192.826 Address Confidentiality Program (ACP)
☐ Petitioner has requested a change of sex and that the record be sealed
or
☐ Petitioner is a participant in the Address Confidentiality Program (ACP) and has requested a change of name only. The court finds good cause to not order the case record sealed (*explain*):

Based on the application by Petitioner, the court orders the following changes to Petitioner's:

☐ name (use complete names. First, Middle, Last)

from: _____

to: _____

☒ sex

to: ☐ male ☐ female ☒ nonbinary

The court finds that Petitioner has undergone surgical, hormonal, or other appropriate treatment for the purpose of affirming gender identity

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form
☒ Guide & File selected and completed this form and I did not pay anyone to review the completed form

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Certificate of Readiness per UTCR 5.100

This judgment is ready for signature because it is submitted ex parte as allowed by statute

Submitted by Petitioner

Judge Signature: _____

Signed: 10/19/2018 02:41 PM



Circuit Court Judge Thomas J. Rastetter

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
Probate Department

In the Matter of the Name Change of:

(PRINT Present Name)

First: Vivien Middle: Kitsune

Last: Lorelied

Petitioner

From the Above Name To:

(PRINT Proposed New Name)

First: Kit Middle: Vivien

Last: Lorelied

17CV50666

CASE NO. _____

GENERAL JUDGMENT OF NAME CHANGE OF
AN ADULT

Based on the Petition for Change of Name of An Adult on file, and the court finding that proper notice to interested parties has been made and no person has shown cause why the requested judgment should not be granted;

IT IS HEREBY ADJUDGED:

That the name of: First: Vivien Middle: Kitsune Last: Lorelied
(CLEARLY PRINT Present Name)

is changed to: First: Kit Middle: Vivien Last: Lorelied
(CLEARLY PRINT New Name)

Notice of the change of name shall be posted on the bulletin board of the Clackamas County Courthouse, with instructions not to remove the notice for at least fifteen days from the date of posting. This judgment shall be effective at the end of such fifteen day period.

Signed: 12/14/2017 02:51 PM

Dated: _____

Circuit Court Judge


Circuit Court Judge Thomas J. Rastetter


Print, Type or Stamp Name of Judge

17CV50666
PPJG
Judgment - Proposed
8437238



UTCR 5.100 CERTIFICATE OF READINESS:

This proposed judgment is ready for judicial signature because service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule, or otherwise.

Petitioner's Signature: 

Date: 12/6/17

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- ☒ I selected this document for myself and I completed it without paid assistance.
☐ I paid or will pay money to _____ for assistance in preparing this document.

Submitted by:

Vivien Kitsune Lorelled

Printed Name OSB # if Attorney
29700 SW Courtside Dr #43 Wilsonville, OR 97070 503-429-2100
 Address or Contact Address City, State, Zip Telephone or Contact Number

FILED
OREGON JUDICIAL DEPARTMENT
WASHINGTON COUNTY

2007 AUG -1 PM 2:53

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

In the Matter of the Name Change of

Case No. C07-0232NL

Marti Kay Fowler
FIRST MIDDLE LAST
(Your Present Name)

GENERAL JUDGMENT
OF NAME CHANGE
(Form 5)

to

Vivien Kitsune Lorelied
FIRST MIDDLE LAST
(Your New Name)

The Court is satisfied that the Petition for change of name should be granted;
therefore it is hereby

ORDERED AND ADJUDGED,

the name of Marti Kay Fowler is hereby
FIRST MIDDLE LAST

changed to Vivien Kitsune Lorelied and notice
FIRST MIDDLE LAST

of the name change shall be posted in a public place in Washington County as required by
law.

DATED: 8-1-07

McAul
Circuit Judge pro tem

Certified To Be A True And
Correct Copy Of The Original
Date 8-7-16
TRIAL COURT ADMINISTRATOR
Washington County
By: Anthony B. Sorenson
NANCY E. HOCHMAN
CIRCUIT COURT JUDGE PRO TEM